

Report on boundaries for land at Wilby Road Site

The following request was received from the Stradbroke Sports and Community Centre:

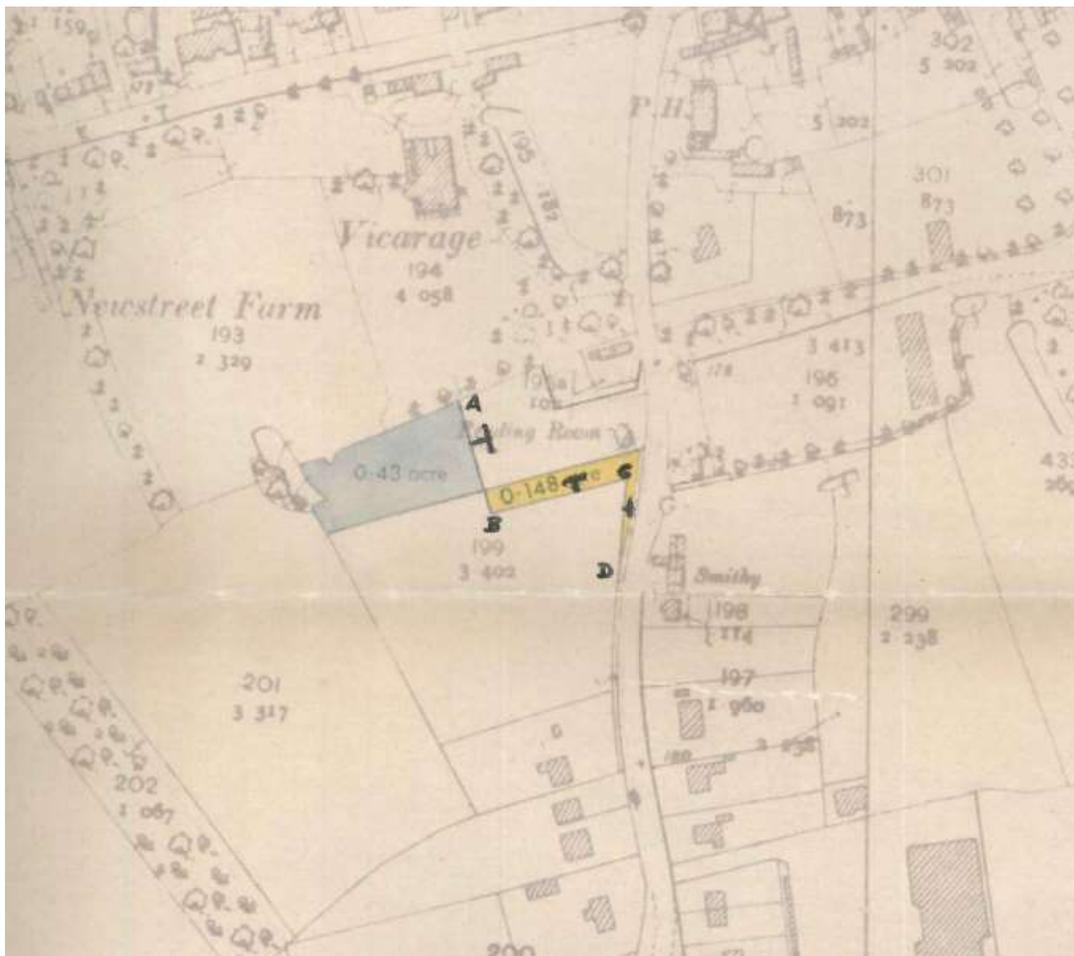
We need to ensure that both parties have precise and agreed understanding of the boundaries of the land and responsibilities attached to them.

1. *the strip of land between the edge of the car park and the tennis courts fence on the South side.*
2. *the conifer hedge and ditch on the North side of the tennis courts.*
3. *the boundary between the car park and the pavilion on the West side.*
4. *the grass mound between the tennis courts and the footpath to Woodfields.*

History:

The land to be transferred is that obtained by the Parish Council and marked in blue on the 1972 conveyance document between the Parish Council and the Suffolk & Ipswich Fire Authority.

Map from 1972 conveyance document:



Investigation:

ALL MAPS ARE FOR ILLUSTRATIVE PURPOSES AND HAVE NOT BEEN VERIFIED BY A SURVEYOR.

Using an online mapping service on Mid Suffolk District Council's website the following matter has come to light.

1. The land available in the transfer does not include all the current tennis court area.
2. The area that would be transferred is shown on the map below, edged in red:
(1756.03m² / 0.43 acre)



3. The area of land in this section of the Wilby Road site that will remain in the Parish Council's ownership is shown edged in red in the map below:
(769.04m²/0.19 acre)



To show the areas more clearly, the 1972 map and the area of the land to be transferred are shown below side by side:



It should be noted that the land has changed substantially since 1970 and 1972, however the points that have remained the same are those marked A and B on the 1972 map and from these the other points can be calculated.

With regards to the responsibility for the ditch to the rear of the site, information has been found in a conveyance between Mr Copping and Suffolk & Ipswich Fire Authority dated 1970, reference to the ditch for the property conveyed is as follows:

(b) Adequately pipe that part of the ditch which obtrudes into the visibility splay area and to pipe likewise the remainder of the ditch lying within the land hereby conveyed should the Purchaser at any time require the use of the land occupied by the ditch.—

The reference to the “*remainder of the ditch lying within the land hereby conveyed*” would indicate that the responsibility for the ditch behind the tennis courts may lie with the party owning the land conveyed by Mr Copping in 1970, as follows:

The land above includes the area marked in blue on the 1972 conveyance.



Next steps:

The Trustees of the Stradbroke Sports and Community Centre will need to review this new information and consider whether the transfer of land ownership is still the most appropriate way to progress. The next steps will be either A or B below:

- A. Should the Trustees vote not to proceed with the transfer, the Parish Council will register the land under adverse possession; this will enable the tennis courts to be registered under the single ownership of the Parish Council. The Parish Council will require a letter from the Stradbroke Sports and Community Centre Charity stating that the Trustees do not wish to claim ownership and are content for the Parish Council to register the land it has maintained since 1972.

- B. Should the Trustees vote to continue with the transfer, further investigations will need to take place into a licence, wayleave or similar legal agreement between the Parish Council and the Stradbroke Sports & Community Centre. This would enable the land which will remain in the Parish Council's ownership to be used for access to the land transferred and for use for outdoor sports, also included would be access to any utilities that may be underground.

Once a final decision is reached, should the transfer proceed, a surveyor will need to be appointed to verify the precise boundaries of the land to be transferred.

Odile Wladon (Clerk to Stradbroke Parish Council)